

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOSHUA ROBERTSON,

Plaintiff,

v.

JOHN LATORRACA CORRECTIONAL  
FACILITY, *et al.*,

Defendants.

No. 1:24-cv-00009 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
DEFENDANTS JONATHAN DOE, MIGUEL  
DOE, AND JANE DOE

(Doc. 34)

Joshua Robertson is a former pretrial detainee and current civil detainee proceeding pro se and in forma pauperis in this this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's second amended complaint against: (1) defendants Gutierrez, Sandoval, Jonathan Doe, Miguel Doe, Reid, and Jane Doe for Due Process violation for conditions of confinement related to the cell sanitation; (2) defendant Gutierrez for Due Process violation for conditions of confinement related to removal of the mattress; and (3) defendants Merced County and John Latorraca Correctional Facility for *Monell* liability.

On May 27, 2025, the magistrate judge ordered Plaintiff, within ninety (90) days, to file a motion to substitute the identities of defendants Jonathan Doe, Miguel Doe, and Jane Doe with enough information to locate them for service of process. (Doc. 26.) Plaintiff failed to comply with the order.

On September 8, 2025, the magistrate judge issued findings and recommendation that

recommended defendants Jonathan Doe, Miguel Doe, and Jane Doe be dismissed from this action, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 34.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within fourteen (14) days. (*Id.* at 3.) The Court also informed Plaintiff that “the failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file objections, and the time in which to do so has passed.

According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on September 8, 2025 (Doc. 34) are **ADOPTED**.
2. Defendants Jonathan Doe, Miguel Doe, and Jane Doe are **DISMISSED** without prejudice.
3. This action proceeds on Plaintiff’s second amended complaint against: (1) defendants Gutierrez, Sandoval, and Reid for Due Process violation for conditions of confinement related to the cell sanitation; (2) defendant Gutierrez for Due Process violation for conditions of confinement related to removal of the mattress; and (3) defendants Merced County and John Latorraca Correctional Facility for *Monell* liability.

IT IS SO ORDERED.

Dated: **October 3, 2025**

  
UNITED STATES DISTRICT JUDGE